

CENTRAL-WEST

55 Hess Street South
21st Floor
Hamilton, Ontario
L8P 4R8 (416) 528-8701

(For Regional Municipalities of Hamilton-Wentworth, Halton, Haldimand-Norfolk, and County of Brant)

43 Church Street
6th Floor
St. Catharines, Ontario
L2R 7E1 (416) 684-6562

(For Regional Municipality of Niagara)

30 Duke Street West
4th Floor
Kitchener, Ontario
N2H 3W5 (519) 579-5790

(For Regional Municipality of Waterloo, Counties of Wellington, Dufferin)

SOUTHWESTERN

80 Dundas Street East
1st Floor
London, Ontario
N6A 2P3 (519) 673-1660

(For Counties of Middlesex, Oxford, Elgin, Lambton, Perth, Huron)

99 Chatham Street East
7th Floor
Box 189
Windsor, Ontario
N9A 6V6 (519) 253-3532

(For Counties of Essex, Kent)

1131 Second Avenue East
Suite 106
Owen Sound, Ontario
N4K 2J1 (519) 376-3202

(For Counties of Grey, Bruce)

CENTRAL EAST

114 Worsley Street
Barrie, Ontario
L4M 1M1 (705) 737-2111

(For County of Simcoe, District Municipality of Muskoka)

340 George Street North
2nd Floor
Peterborough, Ontario
K9H 7E8 (705) 743-9511

(For Counties of Peterborough, Northumberland, Victoria, Haliburton and the Regional Municipality of Durham)

1310 Dundas Street East
2nd Floor
Mississauga, Ontario
L4Y 2C1 (416) 270-3280

(For Regional Municipality of Peel)

EASTERN

74 Brock Street
2nd Floor
Kingston, Ontario
K7L 1R9 (613) 547-2244

(For Counties of Frontenac, Lennox & Addington, Leeds & Grenville, Hastings, Prince Edward, and that portion of Lanark County lying west of Highway 29, excluding the towns of Carleton Place and Smiths Falls (see Ottawa))

265 Carling Avenue
4th Floor
Ottawa, Ontario
K1S 2E1 (613) 566-3747

(For Regional Municipality of Ottawa-Carleton, Counties of Renfrew, Stormont-Dundas-Glenora, Prescott & Russell, and that portion of Lanark County lying east of Highway 29, including the towns of Carleton Place and Smiths Falls)

NORTHEASTERN

215 Oak Street East
North Bay, Ontario
P1B 8P8 (705) 476-1231

(For Districts of Nipissing, Parry Sound)

199 Larch Street
5th Floor
P.O. Box 1059
Sudbury, Ontario
P3E 5P9 (705) 675-4373

(For Regional Municipality of Sudbury, Districts of Sudbury, Manitoulin, Algoma)

273 Third Avenue
2nd Floor
Timmins, Ontario
P4N 1E2 (705) 264-9555

(For Districts of Cochrane, Timiskaming)

NORTHWESTERN

435 James Street South
3rd Floor
P.O. Box 5000, Station "F"
Thunder Bay, Ontario
P7C 5G6 (807) 475-1595

(For Districts of Thunder Bay, Kenora and Rainy River)

For phone inquiries from outside the toll-free dialing area for any of these branches, the office may be called without charge by dialing the Operator and asking for **Zenith 9-6000**.



CARLON

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Residential
Tenancy
Commission

Government
Publications

Rent Review

Appealing a decision: it's a matter of facts.



Who may appeal....

If you attended the initial hearing, or were represented by someone appointed to act on your behalf, you have the right to appeal the Commission's decision.

If you did not attend the initial hearing, or were not represented, you must apply to the Commission for permission to appeal, explaining why you (or your appointee) were not present. Generally speaking, failure to attend the hearing because of employment obligations is not considered sufficient reason, because you could still have appointed someone to represent you.

Before you appeal....

Carefully review the Commissioner's decision. Most importantly, read any explanations accompanying the decision. This will indicate to you the evidence and arguments the Commissioner took into account in reaching his or her decision.

In reaching a decision, the Commissioner was guided by the Residential Tenancies Act, the law which sets out the rules by which cases are judged. As well, the Commissioner will have made an impartial evaluation of the evidence presented by all parties at the hearing. If there was a conflict in testimony, the Commissioner will have had to carefully weigh the conflicting evidence, and exercise his or her best judgement in the case.

It's your case....

If you appeal, it is your responsibility to prove the initial decision was incorrect and should be changed. You must specify which parts of the decision you disagree with, and how they should be changed.

It is not enough, for example, for a tenant to appeal on the grounds that the rent increase allowed was "too high." The tenant must prove that the evidence presented by the landlord at the initial hearing did not justify the rent increase which was allowed. The same is true for a landlord who wants to appeal on the grounds the rent increase was "too low." The landlord must show that the evidence justified a greater rent increase.

You must convince the appeal panel that the first decision was incorrect, based on the evidence presented at the initial hearing. You must do this even if none of the other parties in the case intend to argue against your appeal.

How to appeal....

You must complete a *Notice of Appeal* form, and file it with the local Commission office which issued the decision, no later than 15 days from the day you received the decision. Under the law, you are considered to have received the decision within five (5) days of it being mailed to you.

If you or your appointee did not attend the initial hearing, and you wish to request permission to appeal, you must complete the application at the bottom of the *Notice of Appeal*.

Along with your *Notice of Appeal*, you may also submit a *Statement of Disputed and Additional Facts*. In this form, you must set out the specific findings made by the Commissioner in his or her initial decision with which you disagree. You must also set out any facts not included in the decision, which you intend to submit at the appeal hearing.

If you did not receive a written explanation with the initial decision, you may still file a *Notice of Appeal*, and then request a copy of the explanation. You will have seven (7) days from receipt of the explanation to submit your *Statement of Disputed and Additional Facts*.

An appeal against a decision may not result in a repeat of the initial hearing. Generally, the appeal hearing will examine only the particulars of the decision with which you disagree. You must therefore specify these particulars in your *Notice of Appeal* and *Statement of Disputed and Additional Facts*. At the appeal hearing, the introduction of evidence is limited to those particulars set out in your *Notice* and *Statement*, unless the panel decides otherwise.

If you do not clearly specify the grounds on which you are appealing, or if the grounds you do specify do not fall within those set out in the Residential Tenancies Act, the Commission has the authority to refuse to accept your appeal.

Some of the things which the Act does not recognize, and which the Commission cannot consider, include:

- the ability of the tenant to afford the rent increase approved in the initial decision;
- any comparison between the rents set by the Commission, and the rents charged in other rental projects (the so-called "market" rent);
- any comparison between the rent increase allowed by the Commission and the rate of inflation;

- any comparison between the rent increase allowed by the Commission and the guideline limit on rent increases of six percent (this is not binding on the Commission); and,
- any other dispute between a landlord and tenant not involving the standard of maintenance and repair in the building.

Notifying others....

In addition to filing your *Notice of Appeal* and *Statement of Disputed and Additional Facts* with the Commission, you must serve copies on the other parties in the case. When a landlord appeals, copies must be served on the tenants of each rental unit for which an appeal is being made. Where a tenant appeals, a copy must be served on the landlord.

If a group of tenants appeal for the same reasons, they may submit a joint appeal. In addition to a *Notice of Appeal* and *Statement of Disputed and Additional Facts*, the group should file a *List of Units on Appeal*, giving the name, apartment number and signature of each tenant who is appealing.

All forms necessary to appeal a decision of the Residential Tenancy Commission can be obtained at local Commission offices. When completed, forms must be filed at the office which issued the decision being appealed.

REMEMBER.... IF YOU APPEAL, YOU NEED FACTS!

Residential Tenancy Commission offices

METROPOLITAN TORONTO

77 Bloor Street West 2nd Floor Toronto, Ontario M5S 1M2 (416) 964-8281 (For City of Toronto only)	1880 O'Connor Drive 2nd Floor Toronto, Ontario M4A 1W9 (416) 752-0683 (For East York only)
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2100 Ellesmere Road 3rd Floor Scarborough, Ontario M1H 3B7 (416) 438-3452 (For Scarborough)	56 Aberfoyle Crescent Toronto, Ontario M8X 2W4 (416) 236-2681 (Etobicoke and York boroughs)
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45 Sheppard Avenue East 5th Floor Willowdale, Ontario M2N 5W9 (416) 224-7643 (For North York and Regional Municipality of York)
